

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. US-style headings and the required PCT cross-reference paragraph have been inserted. No new matter whatsoever has been added.

The claims have been amended to place them in better US form. Main claim has been amended to more clearly define the instant invention over the prior art. This new claim therefore describes as shown in the drawing a bone screw comprising:

an elongated shank 3 having a free end 5 and at an opposite end a screw head 2;

a screwthread 4 extending generally helically along the shank 3 from the free end 5 toward the screw head 2 and itself having

a first screwthread portion 6 extending from the free end 5 toward the screw head 2 and forming a generally continuous and smooth cutting edge, and

a second screwthread portion 8 extending from the first portion toward the screw head 2 and formed of a plurality of turns each formed with

at least one outwardly open recess 9, the recesses 9 being of increasing angular dimension away from the free end 5.

Thus the outer end of the spongiosis screw according to the invention has an essentially smooth and uninterrupted cutting edge on its screwthread so that the screw can be introduced smoothly and straight into a predrilled hole. Rearward of this first portion the screwthread is formed with outwardly open recesses that serve to anchor the screw and that even prevent it from being reverse rotated. These recesses increase in angular dimension toward the screw head so that, once again, the screw will be easy to insert and will only start to actually dig in with the edges of the recesses once fairly well set in the bone.

New claim 12 basically corresponds to new claim 11 plus original claim 11, in that it describes the third portion 10 with recesses of uniform size.

In US 6,196,842 of Jorneus there is no first portion with a "generally continuous and smooth cutting edge." Instead the first portion at the free end is actually formed with recesses comparable to those of the second portion according to the invention. Thus the "first screwthread portion" of Jorneus corresponds fairly closely to the shape of the "second screwthread portion" defined in claim 11. This is a clear structural

difference between the reference and the claimed structure, one that gives the above-described advantages. Thus a §102 rejection on Jorneus is impossible, and, since there is no suggestion in Jorneus (or any other reference) to provide a screwthread portion that has no recesses outward of the notched region, a §103 rejection is similarly out of the question.


Since claim 12 includes all the limitations of above-discussed claim 11 and is allowable for the same reasons. In addition this claim recites the third screwthread portion 10 where the notches/recesses 9 are of uniform size. Nothing like this is suggested in Jorneus, so this claim is allowable in its own right.

The claims clearly defining patentable invention over the cited prior art, the case is in condition for allowance and passage to issue. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,  
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Enclosure:      Request for extension (one month)  
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                 Substitute Specification